

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc. regarding breach of terms of interconnection agreement and request for relief.

DOCKET NO. 990874-TP
ORDER NO. PSC-00-0618-PCO-TP
ISSUED: March 31, 2000

ORDER GRANTING MOTION TO MODIFY PROCEDURAL SCHEDULE
AND REVISING ORDER NO. PSC-99-1781-PCO-TP

On July 2, 1999, US LEC of Florida, Inc. (US LEC) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) alleging breach of the terms of an interconnection agreement between the parties. On July 22, 1999, BellSouth filed its Answer and Response to Complaint of US LEC of Florida, Inc. By Order No. PSC-99-1781-PCO-TP, issued September 10, 1999, US LEC's Motion to file an amended complaint was granted. By Order No. PSC-99-2144-PCO-TP, Order on Procedure, issued November 1, 1999, the procedures were established and the controlling dates in this proceeding were set. By Order No. PSC-99-2511-PCO-TP, issued December 22, 1999, US LEC's second motion to file an amended complaint and consented motion to extend time for filing testimony was granted, and the Order on Procedure was modified to revise the controlling dates. The Order on Procedure was reaffirmed in all other respects. On January 10, 2000, BellSouth filed its answer to US LEC's second amended complaint.

On February 18, 2000, US LEC filed a Motion to Modify Procedural Schedule. In its motion, US LEC requests that the time for filing objections to discovery requests be extended for the discovery requests served by both parties upon each other on February 11, 2000. According to US LEC, the Order on Procedure "requires the parties to object to or ask for clarification of discovery requests within 10 days of service of the discovery request." It further states that both US LEC and BellSouth served discovery requests on each other on February 11, 2000, and that, accordingly, objections or requests for clarifications were due by February 21, 2000. US LEC maintains that, finding it a hardship to meet the February 21, 2000 deadline, it sought and obtained the consent of BellSouth to extend the time for that purpose to and including February 25, 2000.

DOCUMENT NUMBER-DATE

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US LEC also requests that the time for responding to discovery be shortened to 20 days from the date of service to allow the parties an opportunity for a second round of discovery. US LEC maintains that the Order on Procedure "requires the parties to complete discovery by March 13, 2000, which was the seventh day before the hearing, then scheduled for March 20, 2000." Further, it states that Order No. PSC-99-2511-PCO-TP, which revised the hearing date to April 17, 2000, among other things, did not establish a new date for the completion of discovery. Thus, US LEC states, by inference, it understands that discovery must be completed by April 10, 2000. On that understanding, it states, the statutory time for responding to discovery of 30 days would not permit the parties to pursue a second round of discovery should they so choose. Accordingly, it states that on February 14, 2000, it sought and obtained, on February 17, 2000, BellSouth's consent to a shortened discovery response period of 20 days for either party should either party pursue a second round of discovery.

Upon consideration, US LEC's requests appear reasonable, and, in light of BellSouth's consent to both requests, the motion is hereby granted. Accordingly, Order No. PSC-99-2144-PCO-TP, the Order on Procedure, is hereby revised as follows. Discovery in this matter shall be completed no later than April 10, 2000. Additionally, the time for filing objections to the discovery requests served by both parties upon each other on February 11, 2000, shall be extended to February 25, 2000. Finally, the parties shall respond to the second round of discovery requests in this proceeding within 20 days of the date of service by either express mail, facsimile, or hand delivery. Order No. PSC-99-2144-PCO-TP is reaffirmed in all other respects.

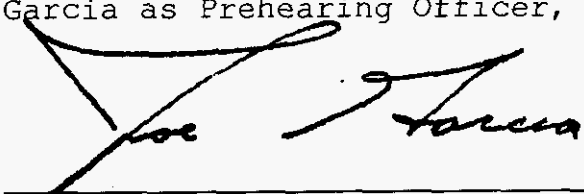
Based upon the foregoing, it is

ORDERED by Chairman Joe Garcia, as Prehearing Officer, that US LEC of Florida, Inc.'s Motion to Modify Procedural Schedule is granted. It is further

ORDERED that Order No. PSC-99-1781-PCO-TP is reaffirmed in all other respects.

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By ORDER of Chairman Joe Garcia as Prehearing Officer, this
31st day of March, 2000.



JOE GARCIA
Chairman and Prehearing Officer

(S E A L)

DMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review

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of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.